

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

JOHN COREY FRASER, JOSHUA CLAY  
MCCOY, TYLER DALTON MCGRATH,  
IAN FLETCHER SHACKLEY, and  
JUSTIN TIMOTHY FRASER, on behalf  
of themselves and all others  
similarly situated as a Class,

Plaintiffs,

v.

Civil Action No. 3:22cv410

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES, STEVEN  
DETTELBACH, and MERRICK GARLAND,

Defendants.

**FINAL JUDGMENT ORDER ON THE MERITS**

For the reasons set forth in the MEMORANDUM OPINION and ORDER dated May 10, 2023 (ECF Nos. 47 and 48), Plaintiffs were found to be entitled to summary judgment in their favor on COUNT I of the FIRST AMENDED COMPLAINT (ECF No. 18). Because of the award of summary judgment on COUNT I, COUNT II of the FIRST AMENDED COMPLAINT is dismissed as moot and without prejudice.

By ORDER entered on May 10, 2023 (ECF No. 49), the parties were directed to confer and advise the Court of their views respecting how to proceed with certification of the class requested in the FIRST AMENDED COMPLAINT and to submit recommendations for the future proceedings in the case. The future proceedings

identified, thereafter prosecuted by the parties, and resolved by the Court were:

(1) PLAINTIFFS' AND PROPOSED PLAINTIFFS' MOTION TO ADD JUSTIN FRASER AS PLAINTIFF OR GRANT INTERVENTION (ECF No. 50) was granted and Justin Fraser was added as a party plaintiff (MEMORANDUM OPINION (ECF No. 72) and ORDER (ECF No. 73)); and in ECF No. 73, Plaintiffs were directed to file a SECOND AMENDED COMPLAINT, the limited purpose of which was to have the record reflect that Justin Timothy Fraser was a Plaintiff in the case (ECF No. 73, ¶ 3); and the Defendants were directed to file an Answer thereto. (ECF No. 73, ¶ 4). The SECOND AMENDED COMPLAINT and the Answer thereto serve a limited procedural purpose. The MEMORANDUM OPINIONS and ORDERS identified in ¶¶ (2) and (5) below apply with full force to the SECOND AMENDED COMPLAINT and the Answer thereto.

(2) DEFENDANTS' MOTION FOR ENTRY OF JUDGMENT IN A SEPARATE ORDER (ECF No. 53) was denied (MEMORANDUM OPINION and ORDER (ECF Nos. 79 and 80)); and

(3) PLAINTIFFS' MOTION FOR CLASS CERTIFICATION (ECF No. 56) was granted (MEMORANDUM OPINION (ECF No. 77) and ORDER (ECF No. 78)); and

(4) PLAINTIFFS' MOTION FOR DECLARATORY JUDGMENT AND INJUNCTION (ECF No. 57) was granted (MEMORANDUM OPINION and ORDER (ECF Nos. 79 and 80)); and the FINAL ORDER OF INJUNCTION (ECF No.

81) and the FINAL ORDER OF DECLARATORY RELIEF (ECF No. 82) were entered; and

(5) DEFENDANTS' MOTION FOR A STAY OF INJUNCTION PENDING APPEAL (ECF No. 63) was granted (MEMORANDUM OPINION and ORDER (ECF Nos. 83 and 84)).

By virtue of the MEMORANDUM OPINIONS and ORDERS identified above, all pending matters before the Court have been concluded except the appointment of class counsel requested in PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF CLASS CERTIFICATION (ECF No. 58) and any petition for attorneys' fees.

Finding that there is no objection to the class representatives or to putative class counsel, and the Court finding that Elliott M. Harding, Esquire is qualified to serve as class counsel; and, therefore, he is appointed as class counsel.

The Court retains jurisdiction to entertain any petition for costs and attorneys' fees. Counsel are directed to arrange a telephone conference with the Court to discuss whether such proceedings are contemplated, and if so, to establish a schedule for them.

Except as provided above, as to attorneys' fees and costs, there remains nothing to be done in this matter. So, the Clerk is directed to enter this FINAL JUDGMENT ORDER ON THE MERITS now, which, after the Defendants' Answer is filed on September 6, 2023, shall be a judgment in favor of the Plaintiffs on the merits of

COUNT I of the FIRST AMENDED COMPLAINT and COUNT I of the SECOND AMENDED COMPLAINT and a dismissal without prejudice of COUNT II of the FIRST AMENDED COMPLAINT and COUNT II of the SECOND AMENDED COMPLAINT.

It is so ORDERED.

/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: August 31, 2023